

SENATE BILL 707

By Stanley

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7; Title 11; Title 12; Title 13; Title 13;
Title 29; Title 43; Title 64; Title 65; Title 68; Title 69
and Title 70, relative to eminent domain.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Property Owners Bill of Rights".

SECTION 2. Tennessee Code Annotated, Title 29, Chapters 16 and 17, are amended by deleting the chapters in their entirety and by substituting instead the following new chapter 16:

§ 29-16-101. The power of eminent domain shall be used sparingly, and laws permitting the use of eminent domain shall be narrowly construed so as not to enlarge by inference or inadvertently the power of eminent domain.

§ 29-16-102. As used in this chapter, unless the context otherwise requires:

(1) "Blighted property" means a single parcel of land the condition of which causes the risk of immediate physical harm to people or other property. For purposes of this subsection, "physical harm" does not include a loss of property value;

(2) "Eminent domain" means the authority conferred upon the government, and those entities to whom the government delegates such authority, to condemn and take, in whole or in part, the private property of another so long as such property is taken for a legitimate public use and is accompanied by the payment of just compensation;

(3) "Governmental entity" means the state or a county, municipality, or metropolitan government in this state;

(4) "Local government" means a county, municipality, or metropolitan government in this state; and

(5) "Public use" means and is limited to the possession, occupation, and enjoyment of the land by the general public or public agencies, use of the land for the creation or functioning of public utilities, removal of blighted property or the acquisition of abandoned property. "Public use" shall not include the public benefits of economic development, including an increase in the tax base, tax revenues, employment or general economic health.

§ 29-16-103.

(a) The state and all local governments shall have the power of eminent domain.

(b) Any governmental entity and any other person or entity possessing the power of eminent domain may exercise such power for public use in accordance with the provisions of this chapter.

(c) Unless expressly stated to the contrary, and without incorporation or reference, the provisions of this chapter shall be deemed to be a part of every section or legislative act, present or future, which grants the power of eminent domain for public use, and the determination of damages in the manner set forth in this part shall also be so implied.

(d) The provisions of this chapter are also extended so that the powers and procedures set forth in this chapter shall apply to the condemnation of property and property rights, including easements, privileges and regulatory takings of individuals and entities of all types for public use.

(e) All housing authorities created pursuant to the Housing Authorities Law (compiled in title 13, chapter 20) or any other law of this state are bound by the express terms of this act

§ 29-16-104. If a governmental entity or other person or entity with the power of eminent domain actually enters upon the land of another for the purpose of making examinations and surveys which may be needed to exercise its powers pursuant to this chapter, such entrant is liable for the actual damages done to the property, including but not limited to, property damages done and incidental and consequential damages.

§ 29-16-105. Any person or entity employed under an act of congress of the United States, passed on August 6, 1947, and of the supplements thereto, or under the direction of congress, to provide charts and related information for the safe navigation of marine and air commerce and for other purposes, may enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying, and of doing any other act which may be necessary to carry out the objects of such laws, and may erect any works, stations, buildings, and appendages requisite for that purpose, doing no unnecessary injury thereby.

§ 29-16-106. If a person or entity owning or having an interest in lands where the survey has been made, or lands where monuments, stations, or buildings have been erected, or which has in any way sustained damage by such survey, cannot agree with the officer of the survey as to the damage sustained, the amount of such damage may be ascertained in the manner provided for the taking of private property for public uses under part 2.

§ 29-16-107.

(a) Before a local government, an agency of a local government, or an entity created by such local government that has been granted the power of eminent domain may provide notice of the filing of a petition under § 29-16-201 or § 29-16-301, the local government shall first conduct a public hearing to determine whether the property to be condemned will be used by the local government for a public use and shall approve the specific use of eminent domain by a majority vote of the legislative body.

(b) Before any other board, commission, authority or entity that has been granted the power of eminent domain may provide notice of the filing of a petition under § 29-16-201 or § 29-16-301, the municipal government, if the property to be condemned is located in a municipality, or the county government, if the property to be condemned is located in an unincorporated area of the county, shall first conduct a public hearing to determine whether the property to be condemned will be used for a public use and shall approve the specific use of eminent domain by a majority vote of the legislative body. If the property to be condemned shall cross the boundary line between municipalities and counties, then all the municipalities and counties shall conduct public hearings to determine whether the property to be condemned will be used for a public use and shall approve the specific use of eminent domain by a majority vote of the legislative bodies of all the municipalities and counties in which the property is located before the condemning entity may provide notice of the filing of a petition under § 29-16-201 or § 29-16-301.

§ 29-16-108. Prior to the taking of private property by a governmental entity, or those entities to whom the government has delegated such authority, under the power of eminent domain, three (3) appraisals of the property shall be obtained. The appraisals shall value the property at its highest and best use. The condemning authority shall select one (1) appraiser. The owner of the property to be condemned shall select one (1) appraiser. The two (2) appraisers so selected shall select the third appraiser. Each such appraiser shall possess the designation Member of the Appraisal Institute (MAI). The condemning authority shall pay for the three (3) appraisals. The price offered by the condemning authority shall be the median of the three (3) appraisals.

§ 29-16-201. When a governmental entity or other person or entity with the power of eminent domain deems it necessary to condemn any property or property rights, it shall proceed

to determine what it deems to be the amount of damages to which the owner is entitled because of the taking of such property or property rights, as determined by § 29-16-108, and shall deposit such amount with the clerk of the circuit court having jurisdiction in the county in which the same, or a portion of the same, is located, and shall file a petition in such court asking that the same be condemned and decreed to the condemnor.

§ 29-16-202.

(a) Such petition for condemnation shall:

(1) Name as respondents all persons and entities which have or may have an interest in, or lien upon, such property or property rights, although it shall not be necessary to specify the claim or interest of each respondent;

(2) State the residence of each if known, and if unknown, that fact shall be stated;

(3) Contain a description of the property or property rights sought to be condemned;

(4) State the particular public use for which property or property rights are to be used;

(5) State the total amount of damages to which the condemnor has determined that the respondents together will be entitled, including those fees and costs set out in § 29-16-209(a)(1), which amount shall be deposited with the clerk; and

(6) Pray that the property or property rights be condemned and decreed to the condemnor.

(b) Notice of the filing of such petition shall be given to each respondent at least thirty (30) days prior to the taking of any additional steps in the case. If the respondent is unknown, is a nonresident of the state, or cannot be found, notice shall be given by

publication, which shall be made in the same manner as provided by law for similar situations in chancery court.

(c)

(1) After the expiration of thirty (30) days from the date of the giving of such notice, if the right to take has not been challenged in an answer, the condemnor shall have the right to take possession of the property or property rights sought to be condemned.

(2) If the right to take is challenged in an answer within thirty (30) days from the date of the giving of such notice, the court shall promptly determine as a matter of law whether the condemnor has the right to take the property or property rights sought to be condemned, and if the court determines that the condemnor has the right to take, the condemnor shall thereupon have the right to take possession thereof.

(3) When a condemnor has the right to take possession of property or property rights, if necessary, the court shall issue a writ of possession to the sheriff of the county to put the condemnor in possession. Such writ may be issued prior to a trial on the damages.

(d) If all living parties with an interest in the property or property rights sought to be condemned are made parties to the condemnation action, then any unborn remaindermen shall accordingly be bound by the action.

§ 29-16-203. If the respondents in a condemnation action are satisfied with the amount deposited by the condemnor with the clerk of the court, they may file a statement with the clerk, duly sworn to by them, stating that they: own, have an interest in, or have a lien upon (as applicable) the property or property rights described in the petition; accept the amount deposited with the clerk as full settlement for the taking of such property or property rights and all

damages occasioned to the residue of their land, interest or rights; and request the clerk to pay to them the amount deposited by the condemnor, which amount may be divided among the respondents as they may specify in the statement. Upon the filing of such statement, the clerk shall pay to the respondents the amount deposited by the condemnor, and the court shall enter a decree divesting the title to the property or property rights out of the respondents and vesting the same in the condemnor.

§ 29-16-204. If a respondent is not satisfied with the amount deposited by the condemnor, or otherwise objects to the taking, such respondent shall, on or before thirty (30) days from the date of notice of the filing of the petition, file an answer to the petition and a trial may thereafter be had before a petit jury as other civil actions are tried. Such deposit by the condemnor shall not limit or fix the amount to be allowed under subsequent proceedings in the action.

§ 29-16-205. If a respondent asks for a trial as provided by § 29-16-204, all respondents together may file a written request with the clerk signed by all of them that the clerk pay to them, without prejudice to the rights of any party, the amount so deposited with the clerk. The clerk shall pay to them the amount so deposited, provided all respondents agree to refund the difference between such amount and the final award, and in the case that the final award is less than the amount so paid to the respondents, to allow a judgment to be entered against them for the difference.

§ 29-16-206. If a respondent does not answer, then the petition shall be taken as confessed as to such respondent and the case set for hearing upon the record and in the absence of such respondent.

§ 29-16-207.

(a) The right to take is a question of law to be determined by the court. The court shall determine whether the proposed taking is for public use in accordance with § 29-16-102.

(b)

(1) The only issue or question to be tried by the jury in a condemnation action is the amount of damages to be paid as just compensation for the property or property rights taken.

(2) If any party to the condemnation action demands the jury to view the property or property rights proposed to be taken, the jury shall go view such property or property rights.

(c) In the case of adverse claimants to the compensation, the court may require the adverse claimants to interplead, so as to fully determine the rights and interests of the claimants.

§ 29-16-208. If any person or entity that is a proper party respondent in the petition was omitted from the petition, amendments to the same may be filed, amendments which, from the filing of the same, shall have the same effect as though contained in such petition.

§ 29-16-209.

(a)

(1) In determining the amount of damages to be paid, the jury shall give the value of the property or property rights taken based on the property's highest and best use without deduction, but incidental benefits which may result to the respondents by reason of the proposed improvement may be taken into consideration in estimating incidental damages. The award of damages shall also include the following costs that were or will be incurred by the owner in connection with the transfer of title to the property or property rights:

- (A) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the acquiring party;
- (B) Penalty costs for repayment of any preexisting recorded mortgage entered into in good faith encumbering such real property;
- (C) If real property taxes are affected by the condemnation, the pro rata portion of such real property taxes paid which are allocable to a period subsequent to the date of vesting title in the condemnor, or the effective date of possession by the condemnor, whichever is earlier; and
- (D) Reasonable expenses due to business interruption.

Whenever a condemnor acquires interest in any parcel of real property, and such acquisition requires the removal of furniture, household belongings, fixtures, equipment, machinery, or stock in trade of any person or entity in rightful possession, regardless of whether such person or entity has a legal interest in such property, the reasonable expense of the removal shall be considered in assessing incidental damages. The reasonable expense of the removal of such chattels shall be construed as including the cost of any necessary disconnection, dismantling, or disassembling, the loading, and drayage to another location not more than fifty (50) miles distant, and the reassembling, reconnecting, and installing on such new location.

(2) When title to an entire tax parcel is condemned in fee, the total amount of damages for the condemnation of such parcel shall be not less than the last valuation used by the assessor of property just prior to the date of taking less any decrease in value for any changes in such parcel occurring since the valuation was made, such as the removal or destruction of a building, flooding,

waste, or removal of trees. Such valuation may be introduced and admitted into evidence at the trial.

(b) Notwithstanding any other provision of law, if any condemnor acquires any interest in real property pursuant to the execution of the power of eminent domain, the condemnor shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which the condemnor requires to be removed from such real property or which such condemnor determines will be adversely affected by the use to which such real property will be put.

(c)

(1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (b) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of the tenant's term. If the owner of the land involved disclaims all interest in the improvements of the tenant, the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefore. In consideration for any such payment to the tenant, the tenant shall assign, transfer, and release to the condemnor all the tenant's right, title, and interest in and to such improvements. Nothing in this subsection (c) shall be construed to deprive the tenant of any rights to reject

payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

(2) Payment under this subsection (c) shall not result in duplication of any payments otherwise authorized by law.

§ 29-16-210. When any building or structure is situated wholly or in part upon the land sought to be condemned, the condemnor may remove the same to adjoining land of the owner or may divide the same upon the line between the land sought to be acquired and the adjoining land, or may tear down or otherwise dispose of the same.

§ 29-16-211.

(a) In a condemnation action filed by a condemnor pursuant to this chapter, the bill of costs prepared by the clerk shall be taxed against:

(1) The condemnor, if:

(A) The amount of damages awarded at trial exceeds the amount assessed by the condemnor and deposited with the clerk;

(B) The condemnation is abandoned by the condemnor; or

(C) The final judgment is that the condemnor cannot acquire the property or property rights by condemnation; or

(2) The respondents, if the amount of damages awarded at trial does not exceed the amount assessed by the condemnor and deposited with the clerk.

(b) In a condemnation action filed by a condemnor pursuant to this chapter, the court shall award the respondents such sum as will reimburse them for their reasonable disbursements and expenses, including reasonable attorney, appraisal, and engineering fees actually incurred because of the action, only if the costs are taxed to the condemnor pursuant to subdivision (a)(1) of this section.

(c) Rule 54.04 of the Tennessee Rules of Civil Procedure shall govern the taxing of any additional costs.

§ 29-16-212. At any time prior to the earlier of a condemnor's taking possession of the property or property rights, or the vesting of title thereto in the condemnor, the condemnor may withdraw or voluntarily dismiss its petition with respect to any or all of the property or property rights therein described.

§ 29-16-213.

(a) All judgments rendered against a governmental entity condemning property or property rights shall be paid out of the general funds of such governmental entity, together with interest at a rate of two percentage (2%) points greater than the prime loan rate established, as of the date of the taking, by the federal reserve system of the United States on any excess of the amount awarded an owner over the amount deposited with the clerk.

(b) All judgments rendered against a levee or drainage district, which condemns property or property rights in accordance with this chapter, shall be paid from funds collected as provided in title 69, chapter 6, together with interest at the rate of six percent (6%) on any excess of the amount awarded an owner over the amount deposited with the clerk.

(c) No interest shall be allowed on the amount deposited with the clerk by a condemnor.

§ 29-16-214.

(a)

(1) If a governmental entity or other person or entity possessing the power of eminent domain has actually taken possession of property or property rights of others, occupying them for the purposes of internal improvement without

filing a condemnation action or otherwise acquiring them, the owner of such property or property rights may file an inverse condemnation petition requesting a jury, in which case the same proceedings shall be had, as near as possible, as provided in this part, or the owner may sue for damages in the ordinary way, in which case the jury shall lay off the property or property rights by metes and bounds and assess the damages.

(2) The owners of property or property rights shall, in such cases, commence proceedings within twelve (12) months after the property or property rights have been actually taken possession of, and the work of the proposed internal improvement begun; saving, however, to unknown owners and nonresidents, twelve (12) months after actual knowledge of such occupation, not exceeding three (3) years, and saving to persons under the disabilities of infancy and unsoundness of mind, twelve (12) months after such disability is removed, but not exceeding ten (10) years.

(b) A court rendering a judgment for the plaintiff in a proceeding brought under subsection (a) of this section arising out of a cause of action identical to a cause of action that can be brought against the United States under 28 U.S.C. § 1346(a)(2) or § 1491, or the attorney general or chief legal officer of a political subdivision of the state effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court, or the attorney general or chief legal officer of a political subdivision of the state, reimburse such plaintiff for plaintiff's reasonable costs, disbursements and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

§ 29-16-215. In event of a conflict between this part and any other statutes granting the authority to use the power of eminent domain by government entities, or those entities to whom the government delegates such authority, this part shall control and shall be construed to protect the private property rights of individuals and businesses such that private property may only be condemned and taken for legitimate public use as defined herein.

§ 29-16-301.

(a) Whenever any governmental entity, the United States of America, or any other person or entity possessing the power of condemnation for public purposes shall desire to take or damage private property or property rights in pursuance of any law so authorizing, and shall find or believe that the title of the apparent or presumptive owner of such property or property rights is defective, doubtful, incomplete, or in controversy; or that there are or may be persons or entities which are unknown, cannot be found, or are nonresidents that have or may have some claim or demand thereon, or some actual or contingent interest or estate therein; or that there are minors or persons under disability who are or may be interested therein; or that there are taxes due or that should be paid thereon; or shall, for any reason, conclude that it is desirable to have a judicial ascertainment of any question connected with the matter, the governmental entity, the United States, or such other person or entity, as the condemnor, through any authorized representative, may petition the circuit court of the county having jurisdiction, for a judgment in rem against such property or property rights, condemning the same to the use of the petitioner upon payment of just and adequate compensation therefore to the person or persons entitled to such payment.

(b) The petition shall be filed and heard by the court in accordance with the provisions of part 2 to the extent it does not conflict with the provisions of this part 3, and

damages shall be determined by the jury in accordance with said provisions. If any of the persons referred to are minors or under disability, the facts shall be stated. If it shall appear that any of the respondents are unknown, are nonresidents of the state, or cannot be found, publication shall be made for them in the same manner as provided by law in similar situations in chancery court.

(c) All parties having any interest in such property or property rights may be made respondents, and proceedings shall only cover and affect the interests of those who are actually made parties; however, any unborn remaindermen shall be bound by the proceedings to which all living persons in interests are parties.

(d) If it shall appear that any of the party respondents are minors or under disability, and are not otherwise represented by counsel, the presiding judge shall appoint a guardian ad litem to represent them, whose compensation shall be fixed by the court and taxed as a part of the costs.

§ 29-16-302.

(a) After the expiration of thirty (30) days from the date of the giving of such notice, if the right to take has not been challenged in an answer, the condemnor shall have the right to take possession of the property or property rights sought to be condemned.

(b) If the right to take is challenged in an answer within thirty (30) days from the date of the giving of such notice, the court shall promptly determine as a matter of law whether the condemnor has the right to take the property or property rights sought to be condemned, and if the court determines that the condemnor has the right to take, the condemnor shall thereupon have the right to take possession thereof.

(c) When the condemnor has the right to take possession of property or property rights, if necessary, the court shall issue a writ of possession to the sheriff of the county

to put the condemnor in possession. Such writ may be issued prior to a trial on the damages.

§ 29-16-303.

(a) In such in rem proceeding, any person or entity claiming any interest or rights therein may file appropriate pleadings or intervene at any time before the jury determines the damages and be fully heard thereon on matters not yet determined by the court.

(b) After the final judgment is entered and any additional damages owed are paid into the registry of the court as determined by the jury, the condemnor shall not be concerned with or affected by any subsequent proceedings in the trial court, such as with respect to the division or disposition of the funds held by the court among the respondents or claimants.

§ 29-16-304. The provisions of this part 3 shall not be construed as repealing any provisions of other statutes prescribing a procedure for the condemnation of property or property rights, but as supplementary thereto and cumulative thereof, and are intended to make simpler and more effective the method of condemnation in those situations where conflicting interests or doubtful questions render a judicial supervision of the procedure desirable.

§ 29-16-401.

(a) A state or local governmental entity or any entity that has been granted the power of eminent domain shall not sell, lease or otherwise transfer real property it acquires through eminent domain for a period of five (5) years following the acquisition of the property unless the property is sold back to the original owner or owners or his or their heirs in accordance with § 29-16-402.

(b) A state or local governmental entity or any entity that has been granted the power of eminent domain shall not lease property acquired through eminent domain to a

private entity when all such leased property occupies more than ten percent (10%), in the aggregate, of the total floor space or area of such leased property.

§ 29-16-402.

(a) If property condemned or taken by eminent domain is not used for the public use for which it was condemned or for some other authorized public use, and the condemning entity subsequently decides to sell it, the property shall be first offered for sale to the person or persons from whom the property was condemned or taken. The selling price of such property shall be determined by the appraisal system established in § 29-16-108. The person or persons from whom the property was condemned or taken shall have sixty (60) days in which to sign an agreement to purchase the property.

(b) If such person is or all such persons are no longer living, the property next shall be offered for sale to the person's or persons' ascertainable heirs who were living at the time the property was taken, as determined by the laws of intestate succession at the time the property was taken, regardless of such person's or persons' testamentary devices. Upon notice to all such heirs and assigns, such heirs and assigns shall have sixty (60) days in which to sign an agreement in which some or all of them will purchase the property. In the alternative, all such heirs may renounce in writing their rights to purchase the property within sixty (60) days. If no purchase agreement is signed or not all renunciations are given within sixty (60) days, the selling entity shall hold a private auction with such heirs and sell the property to the highest bidder. The minimum selling price of such property at such private auction shall be determined by the appraisal system established in § 29-16-108.

(c) The right to repurchase property established under subsections (a) and (b) shall not be transferable, whether for consideration or not, except that it may pass upon death as delineated in subsection (b).

§ 29-16-403. If the condemning entity decides to sell property obtained by condemnation and the property remains unsold after the procedures of § 29-16-402 have been satisfied, the condemning entity shall sell such property by parcel at public auction to the highest bidder.

§ 29-16-501. Notwithstanding any other provision of law to the contrary, the state of Tennessee, its counties or municipalities, are hereby authorized and empowered to establish or alter setback lines on private property with regard to rivers lakes and streams. The governing body of the county and municipality shall pass and put into effect such ordinances as may be needed for the purpose of providing for a notice to and hearing of persons whose property is affected by such establishment. In case of the exercise of any action that limits the property owner's ability to use the property, provision shall be made for ascertaining and paying just compensation for any damages caused as the result of establishing such setback lines, as established in § 29-16-209.

SECTION 3. Tennessee Code Annotated, Section 13-20-201, is amended by deleting the section and substituting instead the following:

(a) “Blighted area” means a single parcel of land the condition of which causes the risk of immediate physical harm to people or other property. For purposes of this subsection, “physical harm” does not include a loss of property value to surrounding parcels of land, even if caused by the single parcel.

(b) “Dilapidation” means extreme deterioration and decay due to a lack of repairs to and care of the area.

(c) Under no circumstances shall land used predominantly in the production of agriculture, as defined by § 1-3-105, be considered a blighted area as defined in subsection (a).

SECTION 4. Tennessee Code Annotated, Section 5-7-101, is amended by deleting the section in its entirety, and by substituting instead the following language:

Each county may acquire and hold property for county purposes, and make all contracts necessary or expedient for the management, control, and improvement thereof, and for the better exercise of its civil and political powers, and, except as provided in Tennessee Code Annotated, title 29, chapter 16, part 4, or §§ 5-14-107(10) and 5-14-108(o)(1) of the County Purchasing Law of 1957, may make any order for the disposition of its property.

SECTION 5. Tennessee Code Annotated, Section 6-54-122(a), is amended by deleting the language “chapters 16 and 17”, and by substituting instead the language “chapter 16”.

SECTION 6. Tennessee Code Annotated, Section 7-5-108, is amended by deleting the language “chapters 16 and 17”, and by substituting instead the language “chapter 16”.

SECTION 7. Tennessee Code Annotated, Section 7-39-303(a), is amended by deleting the figure “17”, and by substituting instead the figure “16”.

SECTION 8. Tennessee Code Annotated, Section 7-51-1203, is amended by deleting the figure “17”, and by substituting instead the figure “16”.

SECTION 9. Tennessee Code Annotated, Section 7-56-207, is amended by deleting the language “chapters 16 and 17”, and by substituting instead the language “chapter 16”.

SECTION 10. Tennessee Code Annotated, Sections 7-84-301(2) and 7-84-412(c), are amended by deleting the figure “17”, wherever it appears, and by substituting instead the figure “16”.

SECTION 11. Tennessee Code Annotated, Section 11-14-407, is amended by deleting the language “chapters 16 and 17”, and by substituting instead the language “chapter 16”.

SECTION 12. Tennessee Code Annotated, Section 13-20-108(b)(1), is amended by deleting the subdivision in its entirety, and by substituting instead the following language:

(1) Title 29, chapter 16, and any amendments thereto;

SECTION 13. Tennessee Code Annotated, Sections 13-21-204 and 13-21-206, are amended by deleting the language “chapters 16 and 17”, and by substituting instead the language “chapter 16”.

SECTION 14. Tennessee Code Annotated, Section 43-34-108, is amended by deleting the figure “17”, and by substituting instead the figure “16”.

SECTION 15. Tennessee Code Annotated, Section 64-1-1103(14), is amended by deleting the figure “17”, and by substituting instead the figure “16”.

SECTION 16. Tennessee Code Annotated, Sections 64-2-107(a), 64-2-207(a), 64-2-307(a), and 64-2-507(a), are amended by deleting the language “chapters 16 and 17”, and by substituting instead the language “chapter 16”.

SECTION 17. Tennessee Code Annotated, Section 68-221-610(b), is amended by deleting the figure “17”, and by substituting instead the figure “16”.

SECTION 18. Tennessee Code Annotated, Section 70-5-102(d), is amended by deleting the language “17, parts 7 and 8”, and by substituting instead the figure “16”.

SECTION 19. Tennessee Code Annotated, Section 11-18-101, is amended by deleting the language “§§ 29-16-101 -- 29-16-122”, and by substituting instead the language “Tennessee Code Annotated, title 29, chapter 16”.

SECTION 20. Tennessee Code Annotated, Section 65-29-104(12), is amended by deleting the language “§§ 29-16-101 -- 29-16-122” and by substituting instead the language “Tennessee Code Annotated, title 29, chapter 16”.

SECTION 21. Tennessee Code Annotated, Section 65-29-125(b)(1), is amended by deleting the language “§§ 29-16-101 – 29-16-121” and by substituting instead the language “Tennessee Code Annotated, title 29, chapter 16”.

SECTION 22. Tennessee Code Annotated, Section 65-6-128, is amended by deleting the language “§§ 29-16-104 -- 29-16-124.” and by substituting instead the language “Tennessee Code Annotated, title 29, chapter 16.”

SECTION 23. Tennessee Code Annotated, Section 69-5-106, is amended by deleting the section in its entirety, and by substituting instead the following language:

Tennessee Code Annotated, Title 29, Chapter 16, shall apply to and be taken and construed as parts of this chapter insofar as they are applicable to the purposes of this chapter.

SECTION 24. Tennessee Code Annotated, Section 6-2-201(15), is amended by deleting the language “29-16-114” and by substituting instead the language “Tennessee Code Annotated, title 29, chapter 16”.

SECTION 25. Tennessee Code Annotated, Section 6-19-101(15), is amended by deleting the language “29-16-114” and by substituting instead the language “Tennessee Code Annotated, title 29, chapter 16”.

SECTION 26. Tennessee Code Annotated, Section 29-20-105, is amended by deleting the section in its entirety.

SECTION 27. Tennessee Code Annotated, Section 12-1-205, is amended by deleting the language “recover the same attorneys’ fees, costs and expenses as are allowable in actions brought pursuant to § 29-16-123(b).”, and by substituting instead the language “recover reasonable costs, disbursements and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.”

SECTION 28. Tennessee Code Annotated, Section 12-1-206, is amended by deleting the language “within the same limitation of actions period as provided in § 29-16-124 for actions commenced pursuant to § 29-16-123.”, and by substituting instead the language “within twelve (12) months after the property or property rights have been actually taken possession of, and

the work of the proposed internal improvement begun; saving, however, to unknown owners and nonresidents, twelve (12) months after actual knowledge of such occupation, not exceeding three (3) years, and saving to persons under the disabilities of infancy and unsoundness of mind, twelve (12) months after such disability is removed, but not exceeding ten (10) years.”

SECTION 29. This act shall take effect July 1, 2007, the public welfare requiring it and shall apply to all condemnation proceedings occurring on and after such date.